

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**September 9, 2008**

**3:30 P.M. SCHEDULED SESSION**

**3:33 P.M. MEETING COMMENCED**

**ROLL CALL:** William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Myron Lowery

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Superintendent Jesse E. Briggs from Love Temple Church of God in Christ. Councilwoman Halbert presented Superintendent Briggs with a certificate naming him Chaplain of the day.

**These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.**

**(Councilman Collins made a motion to reconsider and pull item #50, from August 19, 2008 Minutes. This motion was approved without objection and Item #50 was added to the Agenda as Special Item#4).**

**58. ELECTION OF COUNCIL VICE CHAIRMAN FOR THE REMAINDER OF 2008.**

(Councilman Brown nominated Councilwoman Ware for Vice Chairman and Councilman Strickland nominated Councilman Collins for Vice Chairman).

**(Special Item #1 was set up for Councilwoman Ware's votes)**

MOTION: Brown  
SECOND: Halbert

AYES: Brown, Ford, Fullilove, Halbert and Ware  
 NAYS: Boyd, Flinn, Hedgepeth and Strickland  
 Collins and Morrison did not cast a vote  
 Lowery abstained

**(Special Item #2 was set up for Councilman Collins' votes)**

MOTION: Strickland  
 SECOND: Morrison  
 AYES: Boyd, Collins, Flinn, Halbert, Hedgepeth, Lowery, Morrison and Strickland  
 NAYS: Brown, Ford, Fullilove and Ware

**(Collins won the seat for Vice Chairman)**

**57. RESOLUTION HONORING MINISTER SUHKARA YAHWEH.**

MOTION: Brown  
 SECOND: Fullilove

**APPROVED**, unanimous voice vote

**55. ELECTION OF THE INTERIM COUNCIL MEMBER FOR DISTRICT 9, POSITION 1.**

**(The following names were submitted for this position: Jimmy Ogle, Richard Stringer, Jack Sammons and John Willingham)**

**(Round-1 – Boyd – Sammons, Brown-Willingham, Collins- Sammons, Flinn – Sammons, Ford – Sammons, Fullilove – Willingham, Halbert – Passed, Hedgepeth – Sammons, Morrison – Sammons, Strickland – Sammons, Ware – Sammons and Chairman Lowery – Passed).**

Jimmy Ogle – 0 votes  
 Richard Stringer – 0 votes  
 Jack Sammons – 8 votes  
 John Willingham – 2 votes

**(Jack Sammons won with 8 votes. Chancellor Kenny W. Armstrong swore Jack Sammons in as the Interim Council Member for District 9, Position 1)**

**53. RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF VOLLINTINE AVENUE BETWEEN EVERGREEN STREET AND HAWTHORNE STREET, CONTAINING 2.81 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. PD 07-334

Chairman Lowery recognized the following people who spoke from the audience:  
 Lew Wardlaw, 640 Poplar Avenue., Memphis, TN. 38119

Elder Eric Jackson, 970 Hawthorne St., Memphis, TN. 38109  
 Jesse Lipford, 1774 Prado, Memphis, TN. 38116  
 Carl Williams, 4651 Barkley Glen Dr., Memphis, TN. 38017  
 Pastor Jesse Briggs, 1391 E. Island Pl., Memphis, TN. 38103  
 Antonio Futch, Sr., 952 N. Decatur St., Memphis, TN. 38107  
 Minister David Bond, 1622 Clancy St., Memphis, TN. 38106  
 Erasmus Williams, 899 N. Avalon St., Memphis, TN. 38107  
 Bishop Samuel Lowe, 40 Summer Grove, Memphis, TN. 38108

Applicant: Church of God in Christ  
 Vanecia Belser Kimbrow, Esq. & Charles Goforth, Barge,  
 Waggoner, Sumner & Cannon – Representatives

Request: Senior Housing – 117 apartment units

LUCB and OPD recommendation: APPROVAL, with conditions

**(Councilman Sammons made a motion to amend this item and Special Item #3 was set up for this amendment)**

MOTION: Sammons  
 SECOND: Collins  
 AYES: Collins, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Ware and Chairman Lowery  
 NAYS: Boyd and Strickland  
 Flinn and Ford abstained  
 Brown did not cast a vote

**APPROVED**

MAIN MOTION: Hedgepeth  
 SECOND: Morrison  
 AYES: Fullilove, Halbert, Morrison and Ware  
 NAYS: Boyd, Brown, Collins, Flinn, Ford, Hedgepeth, Sammons, Strickland and Chairman Lowery

**(FAILED – due this item failing, the amendments were disregarded)**

**(Councilman Collins made a motion to reconsider Item #50, from the Minutes of August 19, 2008 Meeting, for the purpose of amending it and it was adopted without objection).**

**(Councilman Ford made a motion to delay this item for 2 weeks and do same night minutes on Sept. 23, 2008. After further discussion of this item, Councilman Ford withdrew his motion).**

**(Special Item #4 – Item #50 from the Minutes of August 19, 2008 Meeting)**

Chairman Lowery recognized the following the people who spoke from the audience:

Pamela Anstey – Memphis City Schools

Irving Hamer – Memphis City Schools

Dorsey Hopson – Memphis City Schools

MOTION: Collins

SECOND: Boyd

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

**APPROVED**, as amended

**MINUTES**

Approval of the Minutes of the regular meeting of August 19, 2008 with the following motion:

MOTION: Morrison

SECOND: Collins

AYES: Boyd, Collins, Flinn, Fullilove, Halbert, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown, Ford and Hedgepeth did not cast a vote

**APPROVED**, as amended – Item#50 was pulled from the Minutes

49. **RESOLUTION APPROVING SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST CORNER OF EAST PARKWAY SOUTH AND WALKER AVENUE, CONTAINING 0.55 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. SUP 08-203

**NOTE:** This Special Use Permit is granted for a four month period from the date of Council action on May 6, 2008 (Item Passed). The Special Use Permit shall expire unless extended by the Council at its September 9, 2008 meeting. The applicant shall, during this time, complete the changes to the site that are illustrated on the site plan (fencing, landscaping, closing of curb cuts and paving. At the end of the four month period, the applicant and OPD shall report to the Memphis City Council on or before September 9, 2008 to review the status of the property and the applicant's progress in making the required improvements. On September 9, 2008, the Council will vote whether or not to extend the Special Use Permit.

Applicant: Edgar Flores  
Andre Williams – Representative

Request: Auto Sales and Mechanic Shop

LUCB and OPD recommendation: REJECTION

**(Councilwoman Ware made a motion to delay this item for 90 days – Special Item #5)**

MOTION: Ware  
 SECOND: Fullilove  
 AYES: Brown, Fullilove, Strickland, Ware and Chairman Lowery  
 NAYS: Boyd, Collins, Flinn, Hedgepeth, Morrison and Sammons  
 Ford and Halbert did not cast a vote

**(Special Item #5 – FAILED)**

MAIN MOTION: Hedgepeth  
 SECOND: Sammons  
 AYES: Brown, Collins, Fullilove, Ware and Chairman Lowery  
 NAYS: Boyd, Flinn, Hedgepeth, Morrison, Sammons and Strickland  
 Ford and Halbert did not cast a vote

**FAILED**

50. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF TCHULAHOMA ROAD; +830 FEET NORTH OF JACKSON PIT ROAD, CONTAINING 1.07 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT.**

Case No. SUP 08-223

Applicant: Tower Ventures V, LLC  
 Billy Orgel – Representative

Request: Cellular Tower (149 feet tall – designed as a flag pole)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth  
 SECOND: Ware  
 AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
 Flinn recused

**APPROVED**

51. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF CRUMPLER ROAD; +/-220 FEET NORTH OF PINE MEADOW LANE, CONTAINING 11.53 ACRES IN AN AREA CURRENTLY GOVERNED BY CRUMPLER PARK PLANNED DEVELOPMENT (P.D. 98-370).**

Case No. PD 08-317

Chairman Lowery recognized the following people who spoke from the audience:

Melinda Read, 4940 Copper Valley West, Memphis, TN. 38141

Sharon Brown, 4911 Copper Valley Dr. West, Memphis, TN. 38141

Michael Mathias, 8918 Bridlewood Lane, Memphis, TN. 38016

**(Councilman Strickland made a motion for this item to be delayed for 1 month – Special Item #6)**

MOTION: Strickland

SECOND: Morrison

AYES: Boyd, Collins, Flinn, Fullilove, Halbert, Hedgepeth, Morrison,  
Sammons, Strickland, Ware and Chairman Lowery

NAY: Brown  
Ford abstained

**APPROVED**, this item is delayed until October 7, 2008

52. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF REESE ROAD AND APPLING ROAD, CONTAINING 16.88 ACRES IN AN AREA CURRENTLY GOVERNED BY P.D. 99-361CC, AREA B.**

Case No. PD 08-318

Applicant: Enterprise Rent A Car (Don Austin)  
Ronald Harkavy – Representative

Request: Amend Area B to permit an Executive Office for Car Rental  
Agency with additional parking to support its operation and above  
ground fuel storage

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,  
Sammons, Strickland, Ware and Chairman Lowery

**APPROVED**

**CONSENT AGENDA – Items 1 - 14 may be acted upon by one motion: SEE PAGE 2629 FOR ROLL CALL**

1. **ORDINANCE AMENDING CHAPTER 7-8, ARTICLE II, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING THE SALE OF BEER FOR OFF-PREMISE CONSUMPTION, UP FOR F I R S T READING.**

Ordinance No. 5276

**APPROVED,** on First reading

2. **ORDINANCE TO AMEND TITLE 6, CHAPTER 6-80, ARTICLE 7, SECTION 6-80-50 OF THE CODE OF ORDINANCES TO ESTABLISH A TEMPORARY FUEL SURCHARGE FOR THE TAXICAB INDUSTRY, UP FOR S E C O N D READING.**

Ordinance No. 5275

**APPROVED,** on Second reading

3. **ORDINANCE REZONING THE WEST SIDE OF SOUTH WILLETT STREET, 75-135 FEET NORTH OF MONROE AVENUE, CONTAINING 6,725 SQUARE FEET IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5277

Case No. Z 08-103

**APPROVED,** on First reading

4. **ORDINANCE REZONING THE SOUTH SIDE OF RAINES ROAD; 600 FEET WEST OF ELVIS PRESLEY BOULEVARD, CONTAINING 0.48 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5278

Case No. Z 08-107

(Converted from U.V. 08-05)

**APPROVED,** on First reading

5. **ORDINANCE REZONING THE NORTHEAST CORNER OF FRAYSER BOULEVARD AND ARDMORE STREET, CONTAINING 0.713 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5279

Case No. Z 08-106

**APPROVED,** on First reading

6. **ORDINANCE REZONING THE EAST SIDE OF QUINCE ROAD; +/-60 FEET NORTH OF KIRBY GATE BOULEVARD, CONTAINING 5.878 ACRES IN THE SINGLE FAMILY RESIDENTIAL FLOOD PLAIN (R-S10{FP}) AND FLOODWAY (FW) DISTRICTS, UP FOR S E C O N D READING.**

Ordinance No. 5273  
Case No. Z 07-118  
(Companion Case: PD 07-331)

**APPROVED**, on Second reading

7. **ORDINANCE REZONING THE SOUTHEAST CORNER OF JAMES ROAD AND NEW RALEIGH ROAD, CONTAINING 2.1997 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) AND AGRICULTURAL (AG) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5274  
Case No. Z 08-105

**APPROVED**, on Second reading

8. **RESOLUTION APPROVING FINAL PLAT OF STONEBRIAR PLANNED DEVELOPMENT, AREA 10, PHASE 6 – STREET IMPROVEMENTS.**

Case No. PD 03-335cc  
Contract No. CR-5115

Resolution approves the final plat located on the north side of Stateline Road, east of Riverdale Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

9. **RESOLUTION APPROVING FINAL PLAT OF STONEBRIAR PLANNED DEVELOPMENT, AREA 10, PHASE 7, STREET IMPROVEMENTS.**

Case No. PD 03-335cc  
Contract No. CR-5116

Resolution approves the final plat located on the north side of Stateline Road, east of Riverdale Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

10. **RESOLUTION ACCEPTING APPLING FARMS BUSINESS PARK P.D., PHASE 2A STREET IMPROVEMENTS AND AUTHORIZING RELEASE OF BOND.**



Case No. PD 04-385  
(Contract No. CR-5099)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of I-40 between Appling Road and Charles Bryan Road. The standard improvement contract was approved on November 6, 2007. Resolution also authorizes the release of the performance bond in the amount of \$378,600.00.

City Engineer recommends approval

**APPROVED**

11. **RESOLUTION ACCEPTING EUDORA PLANNED DEVELOPMENT, PHASE 1 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 06-364  
(Contract No. CR-5088)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Poplar Avenue and Perkins Road. The standard improvement contract was approved on August 7, 2007. Resolution also authorizes the release of the performance bond in the amount of \$44,600.00.

City Engineer recommends approval

**APPROVED**

12. **RESOLUTION APPROVING FINAL PLAT OF QUINCE STATION SHOPPING CENTER SUBDIVISION.**

Case No. S 07-039

Resolution approves the final plat located at the southeast corner of Quince Avenue and White Station.

City Engineer recommends approval

**APPROVED**

13. **RESOLUTION APPROVING FINAL PLAT OF SFR RETAIL SUBDIVISION.**

Case No. S 08-003

Resolution approves the final plat located on the west side of Cleveland Street, 150 feet north of Larkin Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

**14. NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 06-314cc – Lee Line Farms P.D., Area F
- B. Case No. PD 07-331  
(Companion Case No. Z 07-118)
- C. Case No. PD 08-321 – Fleming's Steakhouse P.D., Amended

Public Hearing Set for September 23, 2008

**ROLL CALL CONSENT ITEMS**

MOTION: Ford  
SECOND: Hedgepeth  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,  
Strickland, Ware and Chairman Lowery  
Brown and Sammons did not cast a vote

**APPROVED**

**MLGW FISCAL CONSENT – Items 15 - 33 may be acted upon by one motion:**

- 15. RESOLUTION AWARDING CONTRACT NO. 11232, MEDICAL INSURANCE PLAN, TO CIGNA INSURANCE COMPANY IN AN ESTIMATED FUNDED AMOUNT NOT TO EXCEED \$7,206,263.52 IN THE 2009 BUDGET AND SUBSEQUENT BUDGETS AS APPROVED.**

**APPROVED**

- 16. RESOLUTION AWARDING CONTRACT NO. 11233, EMPLOYEE BENEFIT DENTAL PLAN, TO DELTA DENTAL OF TENNESSEE IN AN ESTIMATED FUNDED AMOUNT NOT TO EXCEED \$1,857,104.00 IN THE 2009 BUDGET AND SUBSEQUENT BUDGETS AS APPROVED.**

**APPROVED**

- 17. RESOLUTION AWARDING CONTRACT NO. 11303, MEDICAL INSURANCE PLAN, TO AETNA INSURANCE COMPANY IN AN ESTIMATED FUNDED AMOUNT NOT TO EXCEED \$1,023,269.76 IN THE 2009 BUDGET AND SUBSEQUENT BUDGETS AS APPROVED.**

**APPROVED**

18. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 9547, IBM MAINTENANCE, WITH IBM (INTERNATIONAL BUSINESS MACHINES) IN THE FUNDED AMOUNT OF \$167,304.00. (THIS COVERS NEW SOFTWARE RELEASES: Z/OS, WEBSHERE MQ V6, ENTERPRISE COBOL FOR Z/OS V3.4, AND THE CLIENT ATTACHMENT FEATURE FOR WEBSHERE MQ.)**

**APPROVED**

19. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11009, MLGW UTILITY PAYMENT CENTERS, WITH FIZERV (FORMERLY CHECKFREE PAY CORPORATION) IN THE FUNDED AMOUNT OF \$200,000.00. (THIS CHANGES THE CORPORATION NAME TO FIZERV AND RENEWS THE CONTRACT FOR THE THIRD RENEWAL TERM, OCTOBER 3, 2008 TO OCTOBER 2, 2009.)**

**APPROVED**

20. **RESOLUTION AMENDING PURCHASE ORDERS 124902, 124903 AND 124904 WITH HOWARD INDUSTRIES, INC.; PURCHASE ORDERS 124905 AND 124906 WITH CENTRAL MOLONEY, INC.; AND PURCHASE ORDER 124907 WITH PAUWELS TRANSFORMERS FOR DISTRIBUTION TRANSFORMERS IN THE AMOUNT OF \$5,238,005.10, FOR A TOTAL AMOUNT OF \$22,698,022.10.**

**APPROVED**

21. **RESOLUTION AWARDED CONTRACT FOR UTILITY BODIES TO SCRUGGS EQUIPMENT COMPANY IN THE AMOUNT OF \$112,744.00.**

**APPROVED**

22. **RESOLUTION AWARDED CONTRACT FOR RADIO EQUIPMENT AS FOLLOWS:**

Integrated Communications, Inc.....	\$12,080.00
Holzberg Communications, Inc.....	4,134.39
Motorola, Inc.....	<u>34,680.00</u>
Total:	\$50,894.39

**APPROVED**

23. **RESOLUTION AUTHORIZING MLGW TO PURCHASE UNLEADED FUEL AND #2 LOW SULFUR DIESEL FUEL FROM TRUMAN ARNOLD UNDER CITY OF MEMPHIS CONTRACT NO. 24577, AND TO PURCHASE B20 BLENDED BIODIESEL FROM MANSFIELD OIL COMPANY UNDER CITY OF MEMPHIS CONTRACT NO. 24616, TOTALING \$6,663,640.67 FOR A ONE-YEAR PERIOD WITH OPTIONS TO EXTEND FOR TWO ADDITIONAL YEARS.**

**APPROVED**

24. **RESOLUTION AWARDED CONTRACT FOR ONE TRUCK-MOUNTED HYDRAULIC DIGGER DERRICK TO ALTEC INDUSTRIES IN THE AMOUNT OF \$112,216.00.**

**APPROVED**

25. **RESOLUTION AWARDED CONTRACT FOR TWO FRONT-MOUNTED TRUCK WINCHES TO TEREX UTILITIES, INC. IN THE AMOUNT OF \$25,500.00.**

**APPROVED**

26. **RESOLUTION AWARDED CONTRACT FOR THREE AIR COMPRESSORS TO SCRUGGS EQUIPMENT COMPANY IN THE AMOUNT OF \$55,125.00.**

**APPROVED**

27. **RESOLUTION AWARDED 12-MONTH CONTRACT FOR WEDGE-TAP CONNECTORS TO HD SUPPLY UTILITIES IN THE AMOUNT OF \$294,496.20.**

**APPROVED**

28. **RESOLUTION AWARDED CONTRACT FOR ONE TRANSFORMER TEST SYSTEM TO OPTIMIZED DEVICES, INC. IN THE AMOUNT OF \$110,900.00.**

**APPROVED**

29. **RESOLUTION AWARDED CONTRACT FOR 12-MONTH MAINTENANCE AGREEMENT FOR INSERTER SYSTEM TO BELL & HOWELL IN THE AMOUNT OF \$52,364.00, INCLUDING EXERCISE OF OPTION TO PURCHASE THE SYSTEM IN THE AMOUNT OF \$1.00, FOR A TOTAL OF \$52,365.00.**

**APPROVED**

30. **RESOLUTION AWARDED 36-MONTH CONTRACT FOR WATER METERS AS FOLLOWS:**

Neptune Technology Group.....	\$913,500.00
Badger Meter, Inc.....	1,505,369.36
Sensus Metering Systems.....	334,252.80
Total:	\$2,753,122.16

**APPROVED**

31. **RESOLUTION AWARDING 36-MONTH CONTRACT FOR RENTAL OF ONE COLOR PRINTER SYSTEM TO R. J. YOUNG COMPANY IN THE AMOUNT OF \$382,788.00.**

**APPROVED**

32. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR ANNUAL FACILITY MAINTENANCE FEE FOR PUBLIC WATER SYSTEMS IN THE AMOUNT OF \$124,901.70, PAYABLE TO THE TREASURER, STATE OF TENNESSEE.**

**APPROVED**

33. **RESOLUTION GIVING CONTRACT AUTHORITY TO MLGW'S GENERAL COUNSEL FOR CLAIMS SETTLEMENT.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Strickland  
SECOND: Collins  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown did not cast a vote

**APPROVED**

34. **ORDINANCE TO AMEND PREVIOUS ORDINANCE NO. 4388, CODIFIED AS CITY CODE, TITLE 6, CHAPTER 6-92, SECTION 6-92-1, ET. SEQ., SO AS TO REVISE SECTION 6-92-11, SUBSECTION (A) TO ALLOW SAID TITLE 6, CHAPTER 6-92 TO REMAIN IN FULL AND EFFECT UNTIL DECEMBER 31, 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5270

MOTION: Flinn  
SECOND: Boyd  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown did not cast a vote

**APPROVED**

35. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES, CITY OF MEMPHIS, BY AMENDING SECTION 2-228 (ASPHALTIC BINDER PAVING OF STREETS CONSTRUCTED AS PART OF STANDARD IMPROVEMENT CONTRACTS; COSTS), TO INCLUDE THE REQUIREMENT FOR PROVISION OF**

**THE SURFACE COURSE OF PAVEMENT AND STREET STRIPING BY THE DEVELOPER AND TO IMPLEMENT A WARRANTY REQUIREMENT FOR THE INFRASTRUCTURE CONSTRUCTED AS PART OF THE CITY STANDARD IMPROVEMENT CONTRACT, SO AS TO ENHANCE THE LONG-TERM STABILITY AND DURABILITY OF ROADWAYS BEING CONSTRUCTED, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5271

MOTION: Morrison  
SECOND: Boyd  
AYES: Boyd, Collins, Flinn, Ford, Halbert, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown and Fullilove did not cast a vote

**APPROVED**

36. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE STATE PILOT APPRENTICESHIP WORKERS SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins  
SECOND: Sammons  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown and Halbert did not cast a vote

**APPROVED**

37. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE STATE PILOT APPRENTICESHIP WORKS ADMINISTRATIVE SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins  
SECOND: Strickland  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown and Halbert did not cast a vote

**APPROVED**

38. **RESOLUTION AMENDING THE FY 2009 CAPITAL IMPROVEMENT FUND BUDGET BY INCLUDING A REVENUE ALLOCATION AWARD OF \$250,000.00 FROM MARTIN LUTHER KING PARK IMPROVEMENT FUND 0219, ACCOUNT NUMBER 049999 TO CIP PROJECT NUMBER PK07102, MARTIN LUTHER KING PARK RESTROOMS IN CONSTRUCTION, FOR THE CONSTRUCTION OF A RESTROOM FACILITY IN MARTIN LUTHER KING PARK.**

MOTION: Strickland

SECOND: Ford

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown and Halbert did not cast a vote

**APPROVED**

39. **RESOLUTION REQUESTING THAT AN AUDIT INVESTIGATION BY THE INTERNAL AUDIT DEPARTMENT AND/OR THE CIVILIAN LAW ENFORCEMENT REVIEW BOARD BE CONDUCTED OF MEMPHIS POLICE DEPARTMENT POLICIES, PROTOCOLS, PROCEDURES, CITIZEN COMPLAINT PROCESSES AND INTERNAL AFFAIRS TO DETERMINE CORRECTIVE ACTIONS WHICH WILL ENSURE THAT THE HUMAN AND CIVIL RIGHTS OF CITIZENS ARE PROTECTED. (HELD FROM 8/19)**

MOTION: Flinn

SECOND: Hedgepeth

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown and Halbert did not cast a vote

**APPROVED**

40. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$71,000.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF HEALTH FOR THE RAPE PREVENTION AND EDUCATION SERVICES GRANT TO BE USED BY THE MEMPHIS SEXUAL ASSAULT RESOURCE CENTER TO PROVIDE RAPE PREVENTION AND CRISIS SERVICES. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Ware

SECOND: Fullilove

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown and Halbert did not cast a vote

**APPROVED**

41. **RESOLUTION ACCEPTING \$50,000.00 FROM SHELBY COUNTY GOVERNMENT FOR MEMPHIS AND SHELBY COUNTY MUSIC COMMISSION FOR OPERATING EXPENDITURES.**

MOTION: Sammons  
SECOND: Hedgepeth  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown and Halbert did not cast a vote

**APPROVED**

42. **RESOLUTION APPROPRIATING \$162,045.00 FUNDED BY SEWER FUNDS FOR CIP PIPE IN NINE LOCATIONS, PROJECT NUMBER SW02076 FOR A CONSTRUCTION CONTRACT WITH INSITUFORM TECHNOLOGIES, INC.**

MOTION: Sammons  
SECOND: Morrison  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown did not cast a vote

**APPROVED**

43. **RESOLUTION APPROPRIATING \$233,495.98 FUNDED BY G.O. BONDS FOR THE ELVIS PRESLEY IMPROVEMENT STUDY, PROJECT NUMBER EN01027, FOR THE ANALYSIS AND IMPLEMENTATION STUDY TO FACILITATE IMPROVEMENTS ALONG ELVIS PRESLEY BLVD., FROM BROOKS ROAD SOUTH TO SHELBY DRIVE IN OTHER COST.**

City Engineer recommends approval

MOTION: Morrison  
SECOND: Strickland  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown did not cast a vote

**APPROVED**

44. **RESOLUTION APPROPRIATING \$24,000.00 FUNDED BY G.O. BONDS GENERAL TO BE DEPOSITED IN THE LOCAL GOVERNMENT INVESTMENT POOL ACCOUNT FOR KIRBY PARKWAY/WALNUT GROVE TO MACON, PROJECT NUMBER PW01174.**



MOTION: Morrison  
SECOND: Strickland  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown did not cast a vote

**APPROVED**

45. **RESOLUTION APPROPRIATING \$2,148,425.00 IN GS01010, AMERICANS WITH DISABILITIES, TO COMPLY WITH FEDERALLY MANDATED COURT ORDER.**

MOTION: Morrison  
SECOND: Hedgepeth  
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery  
Brown and Flinn did not cast a vote

**APPROVED**

46. **RESOLUTION APPROPRIATING \$2,070,000.00 IN GS01007, MAJOR MODIFICATIONS, TO PRESERVE AND MAINTAIN CITY OF MEMPHIS FACILITIES.**

MOTION: Morrison  
SECOND: Strickland  
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Sammons, Strickland, Ware  
and Chairman Lowery  
Brown, Flinn and Morrison did not cast a vote

**APPROVED**

47. **RESOLUTION APPROVING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF 53,196 SQUARE FEET PERMANENT RIGHT OF WAY, 1,510 SQUARE FEET PERMANENT DRAINAGE EASEMENT, 54 SQUARE FEET PERMANENT SIGNAL EASEMENT AND 61,639 SQUARE FEET TEMPORARY CONSTRUCTION EASEMENT FOR THE COMPLETION OF ROAD IMPROVEMENTS ADJACENT TO THE PROPERTY OF THE HEIRS OF FRANK HOLMES AT MALONE AND HOLMES ROAD, PLAT 8 OF 11, HOLMES ROAD FROM TCHULAHOMA TO MALONE ROAD. RESOLUTION PROVIDES THAT A TOTAL OF \$57,121.00 BE DEPOSITED WITH THE CIRCUIT COURT CLERK PENDING COMPLETION OF THE SUIT OR SETTLEMENT OF THE PARTIES.**

MOTION: Morrison  
SECOND: Strickland  
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons,  
Strickland, Ware and Chairman Lowery

Brown and Flinn did not cast a vote

**APPROVED**

48. **RESOLUTION EXTENDING A MORATORIUM ON THE ISSUANCE OF BILLBOARD CONSTRUCTION PERMITS BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF CODE ENFORCEMENT, UNTIL MARCH 31, 2009, OR UNTIL AN AMENDED ORDINANCE REGARDING BILLBOARD CONSTRUCTION CAN BE ADOPTED.**

MOTION: Hedgepeth  
SECOND: Boyd  
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Flinn recused  
Brown did not cast a vote

**APPROVED,** as amended

54. **RESOLUTION REQUESTING CITY ADMINISTRATION TO SUBMIT A REQUEST FOR QUALIFICATIONS FROM DEVELOPERS DESIRING TO DEVELOP THE PYRAMID AND MUD ISLAND SITES. (HELD FROM 03/04; 6/3)**

This item was Tabled without objection

56. **RESOLUTION AMENDING THE PERMANENT RULES OF PROCEDURE OF THE MEMPHIS CITY COUNCIL BY PROVIDING FOR ANNUAL ELECTION OF CHAIRMAN AND VICE CHAIRMAN.**

MOTION: Morrison  
SECOND: Hedgepeth  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown did not cast a vote

**APPROVED,** as amended

**(Special Item #7)- Approval of the Minutes of MLGW's Items #23 & #33, from tonight's meeting**

MOTION: Ware  
SECOND: Boyd  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Sammons, Strickland, Ware and Chairman Lowery  
Brown and Hedgepeth did not cast a vote

**APPROVED**

Chairman McCormick recognized the following person who spoke from the audience:  
Walter Broady, 4256 Ledbetter Cove, Memphis, TN. 38109

**ADJOURNED MEETING AT 10:00 P.M.**

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

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C H A I R M A N

Attest:

\_\_\_\_\_  
Deputy Comptroller/Council Records